

## § 98.1

98.18 Approval and disapproval of Plans and Plan amendments.

### Subpart C—Eligibility for Services

98.20 A child's eligibility for child care services.

### Subpart D—Program Operations (Child Care Services)—Parental Rights and Responsibilities

98.30 Parental choice.  
98.31 Parental access.  
98.32 Parental complaints.  
98.33 Consumer education.  
98.34 Parental rights and responsibilities.

### Subpart E—Program Operations (Child Care Services)—Lead Agency and Provider Requirements

98.40 Compliance with applicable State and local regulatory requirements.  
98.41 Health and safety requirements.  
98.42 Sliding fee scales.  
98.43 Equal access.  
98.44 Priority for child care services.  
98.45 List of providers.  
98.46 Nondiscrimination in admissions on the basis of religion.  
98.47 Nondiscrimination in employment on the basis of religion.

### Subpart F—Use of Child Care and Development Funds

98.50 Child care services.  
98.51 Activities to improve the quality of child care.  
98.52 Administrative costs.  
98.53 Matching fund requirements.  
98.54 Restrictions on the use of funds.  
98.55 Cost allocation.

### Subpart G—Financial Management

98.60 Availability of funds.  
98.61 Allotments from the Discretionary Fund.  
98.62 Allotments from the Mandatory Fund.  
98.63 Allotments from the Matching Fund.  
98.64 Reallotment and redistribution of funds.  
98.65 Audits and financial reporting  
98.66 Disallowance procedures.  
98.67 Fiscal requirements.

### Subpart H—Program Reporting Requirements

98.70 Reporting requirements.  
98.71 Content of reports.

### Subpart I—Indian Tribes

98.80 General procedures and requirements.  
98.81 Application and Plan procedures.

## 45 CFR Subtitle A (10–1–98 Edition)

98.82 Coordination.  
98.83 Requirements for tribal programs.  
98.84 Construction and renovation of child care facilities.

### Subpart J—Monitoring, Non-Compliance and Complaints

98.90 Monitoring.  
98.91 Non-compliance.  
98.92 Penalties and sanctions.  
98.93 Complaints.

AUTHORITY: 42 U.S.C. 618, 9858.

SOURCE: 63 FR 39981, July 24, 1998, unless otherwise noted.

### Subpart A—Goals, Purposes and Definitions

#### § 98.1 Goals and purposes.

- (a) The goals of the CCDF are to:
- (1) Allow each State maximum flexibility in developing child care programs and policies that best suit the needs of children and parents within the State;
  - (2) Promote parental choice to empower working parents to make their own decisions on the child care that best suits their family's needs;
  - (3) Encourage States to provide consumer education information to help parents make informed choices about child care;
  - (4) Assist States to provide child care to parents trying to achieve independence from public assistance; and
  - (5) Assist States in implementing the health, safety, licensing, and registration standards established in State regulations.
- (b) The purpose of the CCDF is to increase the availability, affordability, and quality of child care services. The program offers Federal funding to States, Territories, Indian Tribes, and tribal organizations in order to:
- (1) Provide low-income families with the financial resources to find and afford quality child care for their children;
  - (2) Enhance the quality and increase the supply of child care for all families, including those who receive no direct assistance under the CCDF;
  - (3) Provide parents with a broad range of options in addressing their child care needs;
  - (4) Strengthen the role of the family;

(5) Improve the quality of, and coordination among, child care programs and early childhood development programs; and

(6) Increase the availability of early childhood development and before- and after-school care services.

(c) The purpose of these regulations is to provide the basis for administration of the Fund. These regulations provide that Lead Agencies:

(1) Maximize parental choice through the use of certificates and through grants and contracts;

(2) Include in their programs a broad range of child care providers, including center-based care, family child care, in-home care, care provided by relatives and sectarian child care providers;

(3) Provide quality child care that meets applicable requirements;

(4) Coordinate planning and delivery of services at all levels;

(5) Design flexible programs that provide for the changing needs of recipient families;

(6) Administer the CCDF responsibly to ensure that statutory requirements are met and that adequate information regarding the use of public funds is provided; and

(7) Design programs that provide uninterrupted service to families and providers, to the extent statutorily possible.

#### § 98.2 Definitions.

For the purpose of this part and part 99:

*The Act* refers to the Child Care and Development Block Grant Act of 1990, section 5082 of the Omnibus Budget Reconciliation Act of 1990, Pub. L. 101-508, as amended and codified at 42 U.S.C. 9858 *et seq.*

*ACF* means the Administration for Children and Families;

*Application* is a request for funding that includes the information required at § 98.13;

*Assistant Secretary* means the Assistant Secretary for Children and Families, Department of Health and Human Services;

*Caregiver* means an individual who provides child care services directly to an eligible child on a person-to-person basis;

*Categories of care* means center-based child care, group home child care, family child care and in-home care;

*Center-based child care provider* means a provider licensed or otherwise authorized to provide child care services for fewer than 24 hours per day per child in a non-residential setting, unless care in excess of 24 hours is due to the nature of the parent(s)' work;

*Child care certificate* means a certificate (that may be a check, or other disbursement) that is issued by a grantee directly to a parent who may use such certificate only as payment for child care services or as a deposit for child care services if such a deposit is required of other children being cared for by the provider, pursuant to § 98.30. Nothing in this part shall preclude the use of such certificate for sectarian child care services if freely chosen by the parent. For the purposes of this part, a child care certificate is assistance to the parent, not assistance to the provider;

*Child Care and Development Fund (CCDF)* means the child care programs conducted under the provisions of the Child Care and Development Block Grant Act, as amended. The Fund consists of Discretionary Funds authorized under section 658B of the amended Act, and Mandatory and Matching Funds appropriated under section 418 of the Social Security Act;

*Child care provider that receives assistance* means a child care provider that receives Federal funds under the CCDF pursuant to grants, contracts, or loans, but does not include a child care provider to whom Federal funds under the CCDF are directed only through the operation of a certificate program;

*Child care services*, for the purposes of § 98.50, means the care given to an eligible child by an eligible child care provider;

*Construction* means the erection of a facility that does not currently exist;

*The Department* means the Department of Health and Human Services;

*Discretionary funds* means the funds authorized under section 658B of the Child Care and Development Block Grant Act. The Discretionary funds were formerly referred to as the Child Care and Development Block Grant;